

**MINUTES OF THE VILLAGE OF JOHNSBURG  
JANUARY 10, 2024 MEETING OF THE  
PLANNING AND ZONING COMMISSION**

**CALL TO ORDER** – Chairman Larsen called the meeting to order at 7:00 p.m.

**Commission Members Present**

James Barrett  
Steve Dixon  
Daniel Loud  
Roger Block  
Ken Calhoun  
Tom Benck – Absent

**Staff Present:**

Village Administrator Claudett Sofiakis  
Assistant Administrator Vinny Lamontagna

**KAZMAT PROPERTIES, LLC** – Chairman Larson opened the hearing and read the public notice into the record. The petitioner is requesting that the Planning and Zoning Commission grant a conditional use permit for Units B and D on the property at 614 Bald Knob Road to permit Short Term Rentals. The applicant further requests variances to 16.8-3(B) Proof from the Owner that the subject property on which the short term rental is proposed to be located is his, her or their Primary Residence; Section 16.8-4(C)(1) to rent any short term rental for any period of time shorter than seven (7) consecutive days; Section 16.8-4(C)(4) to rent the property as a short term rental for more than ninety (90) days in a calendar year; Section 16.8-4(C)(5) to advertise an hourly rate or any other rate for a short term rental based on a rental period of fewer than seven (7) consecutive days; Section 16.8-7(C) to rent any short term rental for more than ninety (90) consecutive days, or fewer than seven (7) consecutive days, to the same guest; and Section 16.8-7(E) to rent the short term rental for more than 90 days in a calendar year.

Jason Mathieu and Michelle Kasuboske were in attendance as petitioners. Mr. Mathieu reviewed a presentation addressing the advantages of short term rentals for the Village. The presentation further addressed the current lack of hotel accommodations in the Village; the potential business benefits associated with short term rentals and the Chain of Lakes impact on the need for short term rentals.

Mr. Mathieu explained that the subject property consists of a restaurant, storage building and two residential buildings. He discussed features on the property which includes 418 feet of water frontage with trees along the east property line. Mr. Mathieu discussed the policies he proposes to implement per the requirements of the Village's ordinance. He stated that the property is not his primary residence but he resides 30 minutes away in Crystal Lake. He stated that he desires to rent the property for more than 90 days in a year to accommodate the demand he anticipates. He explained that during the summer he expects high occupancy; medium occupancy in the Winter and low occupancy during the Spring and Fall. He further stated that he wants to rent the property for less than 7 consecutive days as currently limited by the ordinance as typical occupancy is between 4-6 days. Mr. Mathieu opined that the policies he is proposing will discourage party groups and will promote family friendly activity. He added that the Village's ordinance includes fines for violators.

**QUESTIONS FROM BOARD** - Commission Member Barrett remarked that some of the variances requested were not addressed such as rentals of more than 90 consecutive days and advertising for hourly rates and less than seven days. Mr. Mathieu stated that if they are limited to rentals of 7 days or more, they would be limited to how many rentals they can have in a year. He discussed his proposed rating structure which is dependent upon the amount of days the property can be rented.

Commission Member Barrett stated that when granting a variance, a hardship needs to be identified. Mr. Smoron concurred and explained that hardships must be related to a limitation associated with the land. Mr. Mathieu stated that the variances are being requested to maximize his use of the property and the potential rental income.

Commission Member Block requested more time to consider the information

Commission Member Dixon questioned if the policies being proposed are based upon those used by sources such as Airbnb. Mr. Mathieu confirmed that they established their policies consistent with those used by Airbnb, VRBO and other short term rental platforms. Commission Member Dixon questioned if the intent is to rent hourly. Mr. Mathieu stated it is not their intent to rent by the hour. Commission Member Dixon questioned if the petitioners are aware of the problems that occurred with previous short term rental that occurred on Pistakee Lake. Mr. Mathieu stated he had heard it was because the property was not zoned for the activity. Commission Member Dixon questioned a referenced made in Mr. Mathieu's presentation regarding rentals by college kids working the restaurant. Mr. Mathieu clarified that the intent is for parents to rent the units when visiting their children attending college in the area. He emphasized that they will not be renting to college kids.

Commission Member Calhoun questioned the distance Mr. Mathieu resides from the property. Mr. Mathieu stated that he resides 15 miles from the property, approximately 30 minutes away. Commission Member Calhoun questioned if they will have onsite management. Mr. Mathieu stated that they are onsite some of the time when the restaurant is operating. Commission Member Calhoun questioned how they intend to screen renters. Mr. Mathieu stated that persons renting through short term rental platforms are often rated and if the individual is new to short term rentals, the applicant will be vetted out. Commission Member Calhoun questioned if no variances are granted and they are only permitted to rental a minimum of seven consecutive days and no more than 90 days out of the year, would they still pursue the conditional use permit. Mr. Mathieu confirmed that they would and will work within the parameters established by the Village.

Commission Member Loud questioned if the petitioners rent any other properties. Mr. Mathieu stated they do not. Commission Member Loud questioned when management will be onsite. Mr. Mathieu stated that they will be on site during the busy season while the restaurant is operational. Commission Member Loud expressed concern with noise and other impacts to neighbors. Ms. Kasuboske stated that is has been their experience with the bar that the police have been called out infrequently. Commission Member Loud questioned if both units are rented, is there adequate parking for the renter's cars and trailers. Mr. Mathieu confirmed that adequate parking will be provided. Commission Member Loud questioned how late the Lakehouse is open in the summer. Mr. Mathieu stated until 2:00 a.m. but typically there is typically less activity after midnight.

## **PUBLIC INPUT**

Laura King of 2718 Tichfield Terrace stated that it is important that small village's like Johnsborg be supportive of the small businesses in their community. She remarked that Jason and Michelle have proven to be responsible and have turned the business around and cleaned up the property after obtaining it from the previous owner. Ms. King added that COVID has been difficult on businesses. She stated that they are a business in a non-residential area which changes the dynamics and added that Airbnb's have regulations and fines imposed when it is discovered that more people are renting than represented at the time of rental. She opined that the distance the owners reside from property should not be an issue.

Lisa Battaglia attended to express concerns regarding the zoning request. She explained that she lives next door to the subject property. She further explained that she has a two-year old child and is uncomfortable with not knowing who will be temporarily residing next door to her. Ms. Battaglia stated that her parents visit often and plan to move to the property full time in the future. She explained that she bought the home because it was in a private, secluded, and family oriented area. She stated that she understands the need to support small businesses but is concerned with the impact to neighbors.

Paul Bell attended to express concern regarding the zoning request. He stated that he resides up the hill from the property and has been there since 1979. During that time, he has experienced five different owners of the restaurant and four different owners of the marina. Mr. Bell stated that Mr. Mathieu has been great but he put up with a lot residing in the area and is concerned with what could occur if Mr. Mathieu sells the property.

Kirk Donald attended to express concern with impact to the neighborhood. He concurred with concerns regarding the future sale of property and expressed concern with boating impacts and what animals that would be allowed on the property.

Discussion occurred regarding the possibility of requiring reapplication for a conditional use permit by a new owner. Mr. Mathieu stated he may be agreeable to that being a condition if it would otherwise prevent them from getting the conditional use permit.

Donna Adams attended to share her thoughts regarding the zoning request. She stated that she lives two doors from subject property and the owners of the subject property have been wonderful neighbors, but she can understand both sides and everyone's concerns. Ms. Adams stated that she and her husband have been trying to sell their home and have lost two sales because the potential purchaser desired short term rentals on the property and were not allowed to do so. She stated that she knows Ms. Battaglia and her baby and understands her concerns. She questioned who would be policing the matter and enforcing the rules and regulations to insure that dogs are on leashes and other matters.

Attorney Smoron read four written comments into the record expressing objection to the requested conditional use with variances.

Mr. Mathieu stated that he resides 17 miles by road from the property but are within a 15 mile radius of the property.

With no further questions or comments, the public hearing was closed at 8:14 p.m.

Commission Member Calhoun moved to table the matter for further consideration to February 14, 2023 at 7:00 p.m. in the David G. Dominquez Municipal Center. Commission Member Block seconded the motion. All Commission Members voted aye on the roll. The meeting recessed at 8:21 p.m.

Respectfully Submitted,

*Claudett Sofiakis*  
*Village Administrator*